

House Joint Resolution 2005 - Introduced

HOUSE JOINT RESOLUTION 2005
BY HIGHFILL

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the creation of fewer
3 counties.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 1. The last paragraph of Article III, Section 30 of the
4 Constitution of the State of Iowa is amended to read as
5 follows:

6 In all the cases above enumerated, and in all other cases
7 where a general law can be made applicable, all laws shall
8 be general, and of uniform operation throughout the state;
9 and. Except as otherwise provided in article III, section 30A,
10 no law changing the boundary lines of any county shall have
11 effect until upon being submitted to the people of the counties
12 affected by the change, at a general election, it shall be
13 approved by a majority of the votes in each county, cast for
14 and against it.

15 2. Article III of the Constitution of the State of Iowa is
16 amended by adding the following new sections:

17 **Number of counties.** SEC. 30A. The general assembly shall
18 by September 1, 2021, create by law forty counties in the
19 state of Iowa. For the purposes of creating a county under
20 this section, the general assembly shall consider each county
21 existing on January 1, 2021, to be a single indivisible unit,
22 but may provide for the combination of contiguous counties
23 existing on that date into a newly created county. If the
24 creation of forty counties fails to become law by September
25 15, 2021, the supreme court shall, prior to December 31,
26 2021, cause the creation of forty counties to comply with the
27 requirements in this section.

28 **Review by supreme court.** SEC. 30B. Upon verified
29 application by any qualified elector, the supreme court shall
30 review the creation of counties by the general assembly by
31 law. Should the supreme court determine that such creation
32 does not comply with the requirements of this constitution,
33 the court shall within ninety days cause the creation to so
34 comply. The supreme court shall have original jurisdiction
35 of all litigation questioning the creation of counties by the

1 general assembly by law.

2 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
3 amendment to the Constitution of the State of Iowa is referred
4 to the general assembly to be chosen at the next general
5 election for members of the general assembly, and the secretary
6 of state is directed to cause the proposed amendment to be
7 published for three consecutive months previous to the date of
8 that election as provided by law.

9	EXPLANATION
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10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This joint resolution proposes an amendment to the
13 Constitution of the State of Iowa requiring the creation of 40
14 counties in Iowa in 2021.

15 The amendment requires the general assembly to create 40
16 counties by September 1, 2021. Under the amendment, the
17 general assembly is required to consider each county existing
18 on January 1, 2021, as an indivisible unit, but allows the
19 general assembly to provide for the combination of contiguous
20 counties into a newly created county. If, by September 15,
21 2021, no law has been enacted to create 40 counties, the Iowa
22 supreme court is then required to create 40 counties before
23 December 31, 2021. The amendment provides the supreme court
24 with original jurisdiction over litigation relating to the
25 creation of counties. If the supreme court determines the
26 general assembly's creation of counties to be unconstitutional,
27 the amendment requires the supreme court to cause the creation
28 of counties conforming to constitutional requirements, within
29 90 days following the determination.

30 Under the amendment, the designation of counties takes
31 place in the same year as the apportionment of senator and
32 representative districts following the 2020 federal decennial
33 census.

34 The amendment does not modify the authority of the voters
35 of two or more counties to change their county boundary lines

1 at a general election under article III, section 30 of the
2 Constitution of the State of Iowa. The amendment also does not
3 modify the requirement in the article III, section 37 of the
4 Constitution of the State of Iowa, prohibiting the division of
5 counties in forming federal congressional districts.

6 The resolution, if adopted, would be referred to the next
7 general assembly for adoption before being submitted to the
8 electorate for ratification.